

AMENDED IN SENATE APRIL 8, 2003  
AMENDED IN SENATE MARCH 25, 2003

**SENATE BILL**

**No. 200**

**Introduced by Senator Murray**

February 13, 2003

---

---

An act to add *and repeal* Section 10233.1 *of the* Insurance Code, relating to long-term care insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as amended, Murray. Long-term care insurance: genetic testing.

Existing law provides for the regulation of long-term care insurance by the Insurance Commissioner and the assessment of administrative penalties for the violation of these provisions.

This bill would prohibit, *until January 1, 2008*, a long-term care insurer from requiring testing for the presence of a genetic characteristic for insurability or underwriting purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10233.1 is added to the Insurance Code,  
2 to read:  
3 10233.1. (a) On or after January 1, 2004, no long-term care  
4 insurer may require testing of an applicant on a voluntary or  
5 involuntary basis for the presence of a genetic characteristic for

1 underwriting purposes or for the purpose of determining  
2 insurability.

3 (b) For the purposes of this section, a “genetic characteristic”  
4 means any scientifically or medically identifiable gene or  
5 chromosome, or alteration thereof, that is known to be a cause of  
6 a disease or disorder, or that is determined to be associated with a  
7 statistically increased risk of development of a disease or disorder,  
8 and that is presently not associated with any symptoms of any  
9 disease or disorder.

10 (c) For the purposes of this section, “testing for the presence of  
11 a genetic characteristic” means a laboratory test that is generally  
12 accepted in the scientific and medical communities for the  
13 determination of the presence or absence of a genetic  
14 characteristic.

15 (d) *This section shall remain in effect only until January 1,*  
16 *2008, and as of that date is repealed, unless a later enacted statute,*  
17 *that is enacted before January 1, 2008, deletes or extends that date.*

